

# EXHIBIT A

10/11/10  
Rec'd

APPENDIX XI-A(1)  
SUMMONS AND RETURN OF SERVICE



THE SUPERIOR COURT OF NEW JERSEY  
Law Division, Special Civil Part  
SUMMONS

**YOU ARE BEING SUED!**  
**IF YOU WANT THE COURT TO HEAR YOUR SIDE OF THIS LAWSUIT, YOU MUST FILE A WRITTEN ANSWER WITH THE COURT WITHIN 35 DAYS OR THE COURT MAY RULE AGAINST YOU. READ ALL OF THIS PAGE AND THE NEXT PAGE FOR DETAILS.**

In the attached complaint, the person suing you (who is called *the plaintiff*) briefly tells the court his or her version of the facts of the case and how much money he or she claims you owe. **You are cautioned that if you do not answer the complaint, you may lose the case automatically**, and the court may give the plaintiff what the plaintiff is asking for, plus interest and court costs. If a judgment is entered against you, a Special Civil Part Officer may seize your money, wages or personal property to pay all or part of the judgment and the judgment is valid for 20 years.

**You can do one or more of the following things:**

1. *Answer the complaint.* An answer form is available at the Office of the Clerk of the Special Civil Part. The answer form shows you how to respond in writing to the claims stated in the complaint. If you decide to answer, you must send it to the court's address on page 2 and pay a \$15 filing fee with your answer and send a copy of the answer to the plaintiff's lawyer or to the plaintiff if the plaintiff does not have a lawyer. Both of these steps must be done **within 35 days (including weekends)** from the date you were "served" (sent the complaint). That date is noted on the next page.

**AND/OR**

2. *Resolve the dispute.* You may wish to contact the plaintiff's lawyer, or the plaintiff if the plaintiff does not have a lawyer, to resolve this dispute. **You do not have to do this unless you want to.** This may avoid the entry of a judgment and the plaintiff may agree to accept payment arrangements, which is something that cannot be forced by the court. Negotiating with the plaintiff or the plaintiff's attorney will not stop the 35-day period for filing an answer unless a written agreement is reached and filed with the court.

**AND/OR**

3. *Get a lawyer.* If you cannot afford to pay for a lawyer, free legal advice may be available by contacting Legal Services at 732-866-0020. If you can afford to pay a lawyer but do not know one, you may call the Lawyer Referral Services of your local county Bar Association at 732-431-5544.

If you need an interpreter or an accommodation for a disability, you must notify the court immediately.

**La traducción al español se encuentra al dorso de esta página.**

Effective 9/2002

  
Clerk of the Special Civil Part

**SPECIAL CIVIL PART SUMMONS AND RETURN OF SERVICE – FORM B - PAGE 2**

**Plaintiff or Plaintiff's Attorney Information:**

Name:

Theresa Lucerto

Address:

165 Shore Blvd., Unit 24  
Keansburg, NJ 07734

Telephone No.: (732) 787 - 1971

Theresa Lucerto

, Plaintiff(s)

versus

FMR aka Fidelity Investments,

Fidelity Management Trust Co., Defendant(s)

Demand Amount: \$ 15000

Filing Fee: \$ 52

Service Fee: \$ 14

Attorney's Fees: \$ 500

**TOTAL** \$ 15566

**SUPERIOR COURT OF NEW JERSEY**

**LAW DIVISION, SPECIAL CIVIL PART**

MONMOUTH COUNTY

PO Box 1270

Freehold, NJ 07728-1270

(732) 677 - 4300

Docket No: DC-020009-10

(to be provided by the court)

**Civil Action**

**SUMMONS**

(Circle one): ☒ Contract or ☐ Tort

**Defendant(s) Information: Name, Address & Phone:**

FMR aka Fidelity Investments,  
Inc., Fidelity Management Trust Co

82 Devonshire St.

Boston, MA

02109

United States

Date Served: **10/06/2010**

**RETURN OF SERVICE IF SERVED BY COURT OFFICER (For Court Use Only)**

Docket Number: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

WM \_\_\_ WF \_\_\_ BM \_\_\_ BF \_\_\_ OTHER \_\_\_ HT \_\_\_ WT \_\_\_ AGE \_\_\_ MUSTACHE \_\_\_ BEARD \_\_\_ GLASSES \_\_\_

NAME: \_\_\_\_\_ RELATIONSHIP: \_\_\_\_\_

Description of Premises: \_\_\_\_\_

I hereby certify the above to be true and accurate:

\_\_\_\_\_  
Court Officer

**RETURN OF SERVICE IF SERVED BY MAIL (For Court Use Only)**

I, Nandini Shah, hereby certify that on 10/06/2010, I mailed a copy of the within summons and complaint by regular and certified mail, return receipt requested.

Nandini Shah

Employee Signature

## Special Civil Part Complaint

Superior Court Of New Jersey  
Law Division, Special Civil Part

Theresa Lucerto (Account No. 146-677493)

Monmouth County

Plaintiff's Name

165 Shore Blvd, Unit 24

Docket No. DC-020009-10

Street Address

Keansburg, NJ 07734

Town, State, Zip Code

(732) 787-1971

Telephone Number

VS.

FMR-Fidelity Investments, Fidelity Mgmt Trust Co.

Defendant's Name (Person you are suing)

82 Devonshire St.

Street Address

Boston, MA 02109

Town, State, Zip Code

617-563-7000

Telephone Number

## CIVIL ACTION

## Complaint

Fee Attached -

Batch # - 762

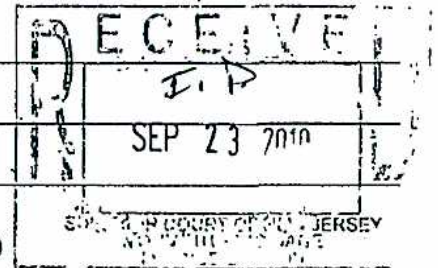
Check # - 571

Cash Reference # -

Overpayment Amount -

Type or print the reasons you, the Plaintiff(s), are suing the Defendant(s): (See instruction B)

(please see attached sheets)



(You may attach more sheets if you need to)

The amount you, the Plaintiff(s) are demanding from the Defendant(s) \$ 15,000 plus interest and \$ 500 for the costs of suing.

At the trial Plaintiff will need: An interpreter: Yes ☒ No ☐ Indicate Language: \_\_\_\_\_An accommodation for a disability: Yes ☒ No ☐ Indicate Accommodation: \_\_\_\_\_

I certify that the above matter in controversy is not the subject of any other court action or arbitration proceeding now pending or contemplated, and that no other parties should be joined in this action.

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

Dated: September 21, 2010

Your Signature

Theresa Lucerto

Name Typed or Printed

THERESA LUCERTO

Plaintiff

v.

FMR aka FIDELITY INVESTMENTS, and

FIDELITY MGT TRUST CO.

Defendants

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION, SPECIAL CIVIL PART  
MONMOUTH COUNTY

DOCKET NO.

CIVIL ACTION

**COMPLAINT**

THERESA LUCERTO, who resides at 165 Shore Blvd., Unit 24, Keansburg, NJ 07734, complaining of Defendants says that:

1. Around March 2008 Plaintiff directed Defendants by phone, through a lawfully appointed agent for Defendants, to rollover her entire 401K in the amount of \$23, 162.34 to a stable and secure IRA whose principal value would not fluctuate and would be preserved.
2. Upon information and belief this agent's name was Steve Kohlshofer.
3. Defendants had a contractual and fiduciary duty to Plaintiff to manage and maintain Plaintiff's 401K, and to rollover said 401K to an IRA account as directed by Plaintiff.
4. Plaintiff was required to rollover said 401K as she was terminated from her employment with DHL due to corporate downsizing.
5. Plaintiff's account number with Defendants was 146-677493.
6. Defendants instead negligently and unlawfully rolled Plaintiff's 401K to a speculative IRA against Plaintiff's direction and in violation of numerous State and Federal laws and regulations.
7. Defendants instead intentionally and unlawfully rolled Plaintiff's 401K to a speculative IRA against Plaintiff's direction in violation of numerous State and Federal laws and regulations.

8. Plaintiff had no knowledge of this *tortuous conduct* until she decided to seek distribution due to dire financial circumstances in or around April 2009.

9. As a result of Defendant's tortuous conduct, by April 2009 when Plaintiff sought distribution the value of Plaintiff's IRA was reduced to \$16,024.

10. Although admitting to its existence, Defendants have refused Plaintiff access to the relevant telephone recording during which Plaintiff directed Defendants to rollover her 401K to a safe and stable IRA.

WHEREFORE, Plaintiff demands judgment as alleged together with interest and all costs of suit, and that Plaintiff be awarded actual damages, punitive damages, and statutory awards in an amount not less than \$15,000 plus all litigation costs.

Dated: September 22, 2010

Signature: \_\_\_\_\_

THERESA LUCERTO